

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SJON TORI MACKEY,

Plaintiff,

v.

PIERCE COUNTY JAIL, *et al*,

Defendants.

Case No. C07-5234FDB-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On May 10, 2007, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On May 15, 2007, the Clerk sent plaintiff a letter informing him that he must provide a copy of his prison trust account statement showing transactions for the past six months by June 14, 2007, or this matter could be subject to dismissal. (Dkt. #2). Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or

1 proceeding without prepayment of fees or security therefor . . . shall submit a certified
2 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
3 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
obtained from the appropriate official of each prison at which the prisoner is or was
confined.

4 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
5 six-month period immediately preceding the filing of his complaint. As noted by the Clerk, however, he
6 did not do so, and to date still has not done so.

7 In addition, plaintiff states in his application to proceed *in forma pauperis* that during the past 12
8 months he received \$200.00 a month in GAU benefits and another \$159 in food stamps. However, he has
9 not stated whether he expected to continue to receive such benefits. Indeed, petitioner has not stated the
10 specific months he received those benefits or whether he currently continues to receive them. To that
11 extent, his application is further deficient.

12 Accordingly, the Court orders the following:

13 (1) Plaintiff shall seek to cure the above deficiencies by filing **no later than August 6, 2007**,

14 (a) a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2)
15 showing the balance and activity of his account(s) for the six-month period immediately
16 preceding the filing of his complaint, and (b) the information discussed above concerning
17 the GAU and food stamp benefits he states he has received during the past 12 months.

18 **Failure to cure these deficiencies by the above date shall be deemed a failure to**
19 **properly prosecute this matter and the Court will recommend dismissal of this**
20 **matter.**

21 (2) The Clerk is directed to send a copy of this Order to plaintiff.

22 DATED this 6th day of July, 2007.

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25 Karen L. Strombom
26 United States Magistrate Judge
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